

U.S. PTO Customer No. 25280

Case No.: 5132A

**REMARKS**

Claims 42-68 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Slagle et al. (5,445,863). According to the Examiner,

"Slagle et al teach a camouflage sheet material having a three dimensional effect....the present camouflage material is formed in a blanket or composite sheet comprising a first or outer layer 10 and an opposite or inner layer each of pliable, planar sheet material, with a resilient core material sandwiched between. The first layer 10 is secured tightly to the second layer 12 (e.g. by stitching or other alternative means) so that the two opposite layers 10 and 12 are drawn together and the resilient core material 14a is compressed along the (stitched or otherwise formed) seams, generally indicated as 16. This will result in different regions having varying densities."

The multi-dimensional camouflage fabric of the applicants' invention has flat regions and puckered regions in a single base textile. These flat and puckered regions in the base textile are caused by areas of differing yarn densities due to heat applied shrinkage and those densities are of yarns per linear distance being greater than other regions of the base material. As illustrated in the application, the preferred method of creating this difference in yarn density is by treating separate regions of a single fabric with different heating conditions. Slagle does not teach, suggest, or provide a motive for treating different areas of a single base fabric with heat to provide a shrinking effect which creates flat regions and puckered regions on that fabric. It is the combination of having areas different yarn densities (yarns per linear distance) in a single fabric which creates the puckered and flat regions of the single base textile in the present invention. The Slagle application discloses planar sheet materials as the first and second layer and creates the varying densities not in those first and second planar sheet materials, but in the density of the resilient core sandwiched between them. The resilient core is compressed by stitching the first and second sheets together to create different core material densities, but this does not create different densities in the planar sheet materials.

Additionally, Claims 50 and 51 require the flat regions and the puckered regions to correspond with images of objects in a camouflage pattern. Slagle does not disclose correlating those regions to the pattern printed on the textile.

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The examiner stated that the Slagle reference teaches the use of synthetic fabrics, but does not teach the use of specific weaves of plain, stain, knit, or nonwoven, etc. It was indicated that it would have been obvious to a person of ordinary skill in the art to use any one of these weaves, motivated by the reasoned expectation of the resultant properties of hand (smoothness) that would be reflected in the end product if a satin weave was chosen. However, as previously pointed out, Slagle does not teach, suggest, or provide a motive for having separate areas of a single textile with different yarn densities which create flat and puckered regions. Therefore, Applicant respectfully submits that there is no teaching, suggestion, or motive to combine the limitation of the separate yarn density areas to create puckered fabrics in any of the constructions noted. Therefore, Applicant respectfully submits that the claimed invention is not obvious in view of Slagle et al.